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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,528	07/10/2003	Andrew Z. Glovatsky	10541-1847	1225
29074	7590	05/11/2005	EXAMINER	
VISTEON			WRIGHT, INGRID D	
C/O BRINKS HOFER GILSON & LIONE			ART UNIT	
PO BOX 10395			PAPER NUMBER	
CHICAGO, IL 60610			2835	

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,528

Applicant(s)

GLOVATSKY ET AL.

Examiner

Ingrid Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/23/2003 07/10/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,5,8,9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki et al. (US PN 5204806).

With respect to claim 1, Sasaki et al. teaches (Fig.1A, 4) a microelectronic package comprising: a housing comprising an outer wall (1) cylindrical about an axis and an inner wall (2) defining a central compartment, said inner wall (2) comprising at least one assembly support surface (2) that is parallel to the axis, said housing further comprising at least one axial channel (5) interposed between the outer wall (1) and the inner wall (2) and a microelectronic assembly (3) affixed to the assembly support surface (2).

With respect to claim 5, Sasaki et al. (Fig. 1A) teaches a channel (5) through the housing, inherently adapted for conveying cooling gas (air) through the housing.

With respect to claims 8 and 9, even though the claims are limited by and defined by the recited process, (i.e. process of forming) the determination of patentability of the product is based on the product itself, and does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious form a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. In re Thorpe, 227 USPQ 964, 9676 (Fed. Cir. 1985). Therefore the claims have not been given patentable weight.

With respect to claim 11, Sasaki et al. teaches (Fig. 1A, 4) a support surface (2) that is a curve having a radius of curvature less than the radius of the outer wall (1).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 and 10, and alternatively, claims 1, 5, 8, 9, and 11 are rejected under 35 USC 103(a) as being obvious over US/6,501,653 to Landsgestell et al. (Landsgestell) taken alone.

Regarding claims 1-5 and 8-11, Landsgestell disclosed a housing (Fig. 1) for an electronic package similar to the one disclosed in the instant application, including a non-concentric outer wall (4) and a cylindrical concentric inner wall (3) defining a central compartment, the outer wall (4) comprises a plurality of planar support surfaces, said support surfaces supporting microelectronic assemblies (10, 11) interconnected by flexible interconnects (15), the housing further comprising at least one axial channel (2) for conveying cooling gas through the housing (column 4, lines 60+), wherein said housing is received in the tubular casing (21).

The only difference between the claimed invention and the one taught by Landsgestell, is that the inner and outer walls are reversed, i.e. in Landsgestell the inner wall (3) is concentric and cylindrical and the outer wall (4) is non-concentric and comprising support surfaces for microelectronic assemblies, wherein in present invention the outer wall is concentric and cylindrical and the inner wall is non-concentric and comprising plurality of support surfaces for microelectronic assemblies.

It would have been obvious to a person of ordinary skill in the housing art at the time the invention was made to reverse the inner and outer walls of Landsgestell in order to adapt the device for particular specific application, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

With respect to claims 8 and 9, even though the claims are limited by and defined by the recited process, (i.e. process of forming) the determination of patentability of the product is based on the product itself, and does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious form a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. In re Thorpe, 227 USPQ 964, 9676 (Fed. Cir. 1985). Therefore the claims have not been given patentable weight.

Claims 6 and 7 are rejected under 35 USC 103 (a) as being obvious over either Sasaki or Landsgestell, each taken with Cloud et al. (US PN 5884000).

Regarding claims 6 and 7, Sasaki disclosed a housing (Fig. 1A) and Landsgestell disclosed a housing (Fig.1) similar to the one disclosed in the instant application.

Sasaki or Landsgestell did not disclose a housing comprising a first section having first axial edges and a semi-cylindrical wall and a second section having second axial edges joined to the first axial edges and a semi-cylindrical wall.

Cloud et al. disclosed (Fig. 1) first and second sections (12,14) of a housing assembly comprising a semi-cylindrical configuration for the main outer wall (22) (Column 4, Lines 20-24).

It would have been obvious to a person of ordinary skill in the housing art at the time the invention was made to divide the housings of Sasaki or Landsgestell into a first

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and second section and to provide a semi-cylindrical outer wall configuration, as taught by Cloud et al., in order to provide easy access and reparability of electronic components (Column 1, Lines 26-29).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bitller et al. (US PN 4858068), Weber et al. (US PN 6735086 B1), Ferris et al. (US PN 6865085 B1), Goiffon et al. (US PN 4400858), Bitller et al. (US PN 5105337), and Walsh (US PN 3596139) show the general state of the art regarding cylindrical and missile housing configurations.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Wright whose telephone number is (571) 272-8392. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 9, 2005
IDW

 **ANATOLY VORTMAN**
PRIMARY EXAMINER